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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,272	03/06/2002	Tomoyuki Asano	SONYJP-151	1051

7590 07/21/2006

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EXAMINER

LIPMAN, JACOB

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/980,272	Applicant(s) ASANO ET AL.	
	Examiner Jacob Lipman	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46, 57 and 58 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-46, 57 and 58 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The examiner has considered the information disclosure statement (IDS) submitted on 5 December 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-46, 57, and 58, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Waldvogel in the VarsaKey Framework.

With regard to claim 1, Waldvogel discloses an information recorder (computer) including a cryptography means (new TEK) having a node key (old TEK) included in a tree structure (page 1619) in which different recorders are included as leaves (computers of group members) each having a unique leaf key (KEK, page 1619), the means generating a key based on data (the old TEK, which is hashed, 1619) which is renewed by the node key (1619). The encryption key is a first key when playback of multimedia (page 1614 paragraph beginning "with") is restricted, and a second when it is not restricted (page 1619).

With regard to claim 2, Waldvogel discloses each computer has the TEK and function (1619).

With regard to claim 3, Waldvogel discloses the KEK (unique key) is also renewed using the function (1619).

With regard to claim 4, Waldvogel discloses when the key is renewed; the one-way function is transmitted (KRB) so each lower member can renew their own TEK and KEK (1618-1619).

With regard to claim 5, Waldvogel discloses the one-way is encrypted with the TEK (1619) it is inherently at least temporarily stored.

With regard to claim 6, data is inherently stored at an address, which is a correlated number.

With regard to claim 7, Waldvogel discloses that only group members receive the updated key, and thus a player (computer) has a restriction by what group he is a member of, and will use a first key if he is member of a first group, and a second key if member of a second group. (1616-1619).

With regard to claim 8, The KEK is a title unique key generated from a master key (one-way function).

With regard to claim 9, Waldvogel discloses including a token with the TEK and KEK to time stamp the keys (1625).

With regard to claims 11 and 12, the encryption used is copy control that only allows computers with the proper key to copy the data to be decrypted.

With regard to claims 13-21, 23, and 24, since Waldvogel discloses a synchronous encryption system, the decryption key is the encryption key, thus for the reasons above Waldvogel discloses each limitation of these claims.

With regard to claims 25-32, 34-43, 45, and 46, these describe the method outlined above as being performed by the information recorder.

With regard to claims 57 and 58, these describe the program medium of the recorder as outlined above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 22, 33, and 44, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldvogel.

With regard to claims 10, 22, 33, and 44, Waldvogel discloses claim 1, as outlined above, but does not mention the DES encryption algorithm. The examiner takes official notice that DES is well known in the art as a secure algorithm. It would have been obvious to one of ordinary skill in the art to use DES in the system of Waldvogel to add the additional security that DES offers.

Response to Arguments

6. Applicant's arguments filed 15 May 2006 have been fully considered but they are not persuasive.

With regard to applicant's argument that the key data is not built within the recorder, the examiner points out that this is being understood as being stored within the recorder. The claim does not state when it is built in the recorder, i.e. at time of

manufacture. This point is emphasized by the fact that the key data is renewable, and a renewed key data being built in is understood as being stored locally.

With regard to applicant's argument that, "Waldvogel is not concerned with playback of the recorded medium", the examiner points to page 1614 where Waldvogel states, "Today, the most important class of applications taking advantage of multicast transport services are collaborative multimedia applications and conferencing services"

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

Jacques Louis-Jacques
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